notice of Sept. 4, 1986 (51 FR 31925, Sept. 8, 1986); Pub. L. 99-440 of Oct. 2, 1986 (22 U.S.C. 5001 *et seq.*); and E.O. 12571 of Oct. 27, 1986 (51 FR 39505, Oct. 29, 1986).

2. Section 771.19(c) is revised to read as follows:

§ 771.19 General license GATS; aircraft on temporary sojourn.

* * * * *

(c) *Request for authorization of non-return; use of form BXA-699P.* Where it is decided that a U.S. registered aircraft that departed the United States under authority of this General License GATS, or any of its equipment, parts, accessories, or components, will be sold or leased abroad, or will not be returned to the United States for any other reason, a request for authorization shall be submitted on a Form BXA-699P, Request to Dispose of Commodities or Technical Data Previously Exported, to the Office of Export Licensing at the address in § 771.2(h). (*See* § 774.3 for more information on reexport authorizations.) Such requests shall comply with all applicable provisions of the Export Administration Regulations covering exports directly from the United States to the proposed destination, and shall be accompanied by any documents that would be required in support of an application for export license for shipment of the same commodities directly from the United States to the proposed destination.

Dated: June 22, 1989.

James M. LeMunyon,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 89-15300 Filed 6-27-89; 8:45 am]

BILLING CODE 3510-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 868

[Docket No. 87N-0113]

Cutaneous Carbon Dioxide ($PcCO_2$) Monitor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing that it has issued orders in the form of letters to manufacturers to reclassify the cutaneous carbon dioxide ($PcCO_2$) monitor from class III to class II. The order is being codified in the Code of Federal Regulations as specified herein.

EFFECTIVE DATES: The reclassification was effective December 9, 1988. This regulation becomes effective July 28, 1989.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION: FDA conducted an extensive literature review on cutaneous carbon dioxide ($PcCO_2$) monitors and sent this information to the Anesthesiology and Respiratory Therapy Devices Panel (the Panel) on January 17, 1986, requesting their comments on FDA's initiated reclassification of the cutaneous carbon dioxide ($PcCO_2$) monitor from class III to class II. The Panel members supported FDA's reclassification proposal. FDA announced in the notice in the **Federal Register** of May 16, 1986 (51 FR 18042), that a meeting of the Panel would be held to discuss and obtain a Panel recommendation on the proposed reclassification. During the open public meeting on June 5 and 6, 1986, the Panel considered FDA's reclassification proposal and its analysis of the data supporting the reclassification. The Panel recommended that the cutaneous carbon dioxide ($PcCO_2$) monitor be reclassified from class III (premarket approval) into class II (performance standards).

On July 25, 1988 (53 FR 27878), FDA published a notice of proposed reclassification. Interested persons were invited to submit comments by September 23, 1988. Two comments were submitted. The comments are addressed in the reclassification order.

On December 9, 1988, FDA sent to all known manufacturers of the device a letter (order) which reclassified the cutaneous carbon dioxide ($PcCO_2$) monitor, and substantially equivalent devices of this generic type, from class III to class II. Accordingly, as required by 21 CFR 860.134(b)(7) of the regulations, FDA is announcing the reclassification of the generic type of device from class III to class II. In addition, FDA is issuing a final regulation that codifies the reclassification of the device by adding new § 868.2480 *Cutaneous carbon dioxide ($PcCO_2$) monitor.*

After considering the economic consequences of approving this reclassification, FDA certifies that this final rule requires neither a regulatory impact analysis as specified in Executive Order 12291 nor a regulatory flexibility analysis as defined in the Regulatory Flexibility Act (Pub. L. 96-354). This reclassification will not have a significant economic impact on a substantial number of small entities.

All manufacturers of cutaneous carbon dioxide ($PcCO_2$) monitor devices will be relieved of the costs of complying with the premarket approval requirement in section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e).

There are no offsetting costs that manufacturers would incur from reclassification into class II other than those associated with meeting a standard, once established. The magnitude of the economic savings attributable to this reclassification is dependent upon the number of premarket approval studies that would have been required of the manufacturers had reclassification not occurred. This savings may not be reliably calculated to permit an accurate quantification of the economic savings.

List of Subjects in 21 CFR Part 868

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 868 is amended to read as follows:

PART 868—ANESTHESIOLOGY DEVICES

1. The authority citation for 21 CFR Part 868 continues to read as follows:

Authority: Secs. 501(f), 510, 513, 515, 520, 701(a), 52 Stat. 1055, 76 Stat. 794-795 as amended, 90 Stat. 540-546, 552-559, 565-574, 576-577 (21 U.S.C. 351(f), 360, 360c, 360e, 360j, 371(a)); 21 CFR 5.10.

2. New § 868.2480 is added to Subpart C to read as follows:

§ 868.2480 Cutaneous carbon dioxide ($PcCO_2$) monitor.

(a) *Identification.* A cutaneous carbon dioxide ($PcCO_2$) monitor is a noninvasive heated sensor and a pH-sensitive glass electrode placed on a patient's skin, which is intended to monitor relative changes in a hemodynamically stable patient's cutaneous carbon dioxide tension as an adjunct to arterial carbon dioxide tension measurement.

(b) *Classification.* Class II (performance standards).

Dated: June 8, 1989.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 89-15194 Filed 6-27-89; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF EDUCATION

34 CFR Parts 74, 222, 251, 300, and 600

OMB Control Numbers; Correction

AGENCY: Department of Education.

ACTION: Final regulations; correction.

SUMMARY: This action corrects final regulations regarding display of valid OMB Control Numbers published on December 6, 1988 (53 FR 49141).

EFFECTIVE DATE: December 6, 1988.

FOR FURTHER INFORMATION CONTACT: Kenneth C. Depew, Telephone: (202) 732-2887.

SUPPLEMENTARY INFORMATION: In the December 6, 1988 **Federal Register:**

1. On page 49143, column one, the title of Part 74 is corrected to read "ADMINISTRATION OF GRANTS TO INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND NONPROFIT ORGANIZATIONS".

2. On page 49143, column three, item 13., the authority citation for Part 222 is corrected to read "Authority: 20 U.S.C. 236–241–1, and 242–244, unless otherwise noted.".

3. On page 49144, column three, item 36., "300.150" is removed from the list of sections amended.

4. On page 49146, column two, item 80., §§ 600.4, 600.5, 600.6, and 600.7 are added to the list of sections amended.

(44 U.S.C. 3501–/3520; 5 CFR Part 1320)

Dated: June 22, 1989.

Steven Y. Winnick,

Acting General Counsel.

[FR Doc. 89–15341 Filed 6–28–89; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900–AD90

Combined Ratings Table; Procedural Usage

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) has amended its regulation for procedural usage of the Combined Ratings Table. This change facilitates a uniform method of calculating the combined degree of disability where multiple disabilities arising from a single disease entity are combined with other disabilities. This change will eliminate an ambiguity regarding the stage at which disability evaluations are to be rounded in determining the combined degree of disability.

EFFECTIVE DATE: July 28, 1989.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Chief, Regulations Staff, Compensation and Pension Service, Veterans' Benefits Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233–3005.

SUPPLEMENTARY INFORMATION: On pages 7067–68 of the **Federal Register** of February 16, 1989 (54 FR 7067), the VA published a proposed regulatory amendment on usage of the Combined Ratings Table.

Interested persons were invited to submit comments, suggestions, or objections by March 20, 1989. Since no comments, suggestions, or objections were received, the proposed amendment is adopted as final.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this regulatory amendment is nonmajor for the following reasons.

(1) It will not have an annual effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

(The Catalog of Federal Domestic Assistance program numbers are 64.104 and 64.109)

List of Subjects in 38 CFR Part 4

Handicapped, Pensions, Veterans.

Approved: June 5, 1989.

Edward J. Derwinski,

Secretary.

PART 4—[AMENDED]

38 CFR Part 4 SCHEDULE OF RATING DISABILITIES, is amended by revising the introductory text, paragraphs (a) and (b) of § 4.25 as set forth below:

§ 4.25 Combined ratings table.

Table I, Combined Ratings Table, results from the consideration of the efficiency of the individual as affected first by the most disabling condition, then by the less disabling condition, then by other less disabling conditions, if any, in the order of severity. Thus, a person having a 60 percent disability is considered 40 percent efficient. Proceeding from this 40 percent efficiency, the effect of a further 30 percent disability is to leave only 70 percent of the efficiency remaining after consideration of the first disability, or 28 percent efficiency altogether. The individual is thus 72 percent disabled, as shown in table I opposite 60 percent and under 30 percent.

(a) To use table I, the disabilities will first be arranged in the exact order of their severity, beginning with the greatest disability and then combined with use of table I as hereinafter indicated. For example, if there are two disabilities, the degree of one disability will be read in the left column and the degree of the other in the top row, whichever is appropriate. The figures appearing in the space where the column and row intersect will represent the combined value of the two. This combined value will then be converted to the nearest number divisible by 10, and combined values ending in 5 will be adjusted upward. Thus, with a 50 percent disability and a 30 percent disability, the combined value will be found to be 65 percent, but the 65 percent must be converted to 70 percent to represent the final degree of disability. Similarly, with a disability of 40 percent, and another disability of 20 percent, the combined value is found to be 52 percent, but the 52 percent must be converted to the nearest degree divisible by 10, which is 50 percent. If there are more than two disabilities, the disabilities will also be arranged in the exact order of their severity and the combined value for the first two will be found as previously described for two disabilities. The combined value, exactly as found in table I, will be combined with the degree of the third disability (in order of severity). The combined value for the three disabilities will be found in the space where the column and row intersect, and if there are only three disabilities will be converted to the nearest degree divisible by 10, adjusting final 5's upward. Thus, if there are three disabilities ratable at 60 percent, 40 percent, and 20 percent, respectively, the combined value for the

first two will be found opposite 60 and under 40 and is 76 percent. This 76 will be combined with 20 and the combined value for the three is 81 percent. This combined value will be converted to the nearest degree divisible by 10 which is 80 percent. The same procedure will be employed when there are four or more disabilities. (See table I).

(b) Except as otherwise provided in this schedule, the disabilities arising from a single disease entity, e.g., arthritis, multiple sclerosis, cerebrovascular accident, etc., are to be rated separately as are all other disabiling conditions, if any. All disabilities are then to be combined as described in paragraph (a) of this section. The conversion to the nearest degree divisible by 10 will be done only once per rating decision, will follow the combining of all disabilities, and will be the last procedure in determining the combined degree of disability.

* * * * *

(Authority: 38 U.S.C. 355)

[FR Doc. 89-15238 Filed 6-27-89; 8:45 am]

BILLING CODE 8320-01-M

---

38 CFR Part 36

RIN 2900-AD39

Loan Guaranty; Payment of Loan Guaranty Claims

AGENCY: Department of Veterans Affairs.

ACTION: Final Regulations.

SUMMARY: The Department of Veterans Affairs (VA) is amending its loan guaranty regulations to implement the provisions of the Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987. The law prescribes different dates for use in computation of the loan indebtedness in connection with the determination of net value and payment of the claim under loan guaranty in cases involving VA requested forbearance, voluntary bankruptcy or excessive delay, caused by VA, in the liquidation sale.

DATES: These regulations are effective July 28, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Leonard Levy, Assistant Director for Loan Management (261), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233-6376.

SUPPLEMENTARY INFORMATION: Under section 1810 of Title 38, United States Code, VA guarantees a portion of the loan made to an eligible veteran to acquire or refinance a home, condominium, or manufactured home which is treated as real estate under State law, or to install certain energy conservation features or other home improvements. The guaranty is a promise by the Government to pay a portion of the veteran's indebtedness in the event of a loan default and eventual termination through foreclosure or other proceedings.

On March 31, 1989, VA published in the **Federal Register** (54 FR 13321) proposed regulations to implement changes in the formulas used in paying loan guaranty claims which were prescribed by Pub. L. 100-198. Two public comments were received. Both commentators favored the proposed amendment. One, however, suggested that in cases where the liquidation sale is delayed by more than 30 days as a result of forbearance extended at the request of the Secretary or a voluntary case commenced under Title 11, United States Code (relating to bankruptcy), the cutoff date used for computation of the indebtedness should be the date the Secretary determines a foreclosure sale would have taken place if there had been no such delay. The proposed amendment to 38 CFR 36.4321 establishes a cutoff date 30 days after the date the Secretary determines a foreclosure sale would have taken place under these circumstances.

Although the commentator did not provide a justification for this suggestion, we understand that there will be situations in which the loan holder would have had the right to convey a property to the Secretary after foreclosure if the foreclosure sale had not been delayed but, based on the account indebtedness as of the cutoff date which would be applicable pursuant to this amendment, the holder would have no such right (i.e., the case would become and remain a no-bid). Such cases would not qualify for the no-bid relief intended by the statute.

Under 38 U.S.C 1832(c)(10)(C) provisions for no-bid relief are only applicable in cases where there is an "excessive" delay in foreclosure due to the extension of forbearance or a voluntary bankruptcy. The definition of "excessive" was left to administrative discretion and, in our opinion, a delay of 30 days constitutes a minimum period of delay to consider "excessive" in the context of foreclosure proceedings. The decision as to whether to establish a cutoff date prior to the 30 day point, at 30 days or after 30 days involved further discretion because there are advantages and disadvantages to all parties which will vary with the specific date adopted.

Use of the earliest possible cutoff date, which would be the date the sale would have taken place if there had been no delay, will avoid the maximum number of no-bids; use of later dates will progressively reduce the number of no-bids avoided. At the same time, however, it is important to remember that once a cutoff date is established no interest which accrues thereafter is allowable in the final accounting between the holder and the Secretary.

Only a small number of the cases which are subject to this paragraph will become no-bids on the 30th day after a foreclosure sale would have occurred had there been no delay; the others will be more or less evenly spaced over the five to nine month period during which foreclosure is typically delayed through bankruptcy (we anticipate few cases in which it would be appropriate for the Secretary to request forbearance under the circumstances addressed by this regulation because there is little reason to expect a borrower to reinstate an account when the net value of the property approximates the unguaranteed portion of the indebtedness; moreover, the loan holder has no obligation to agree to extend such forbearance). However, the earlier a cutoff date is established, the greater the amount of interest which will be excluded from the indebtedness in the loan holder's accounting with VA. Thus, if a case would become a no-bid 35 days after the original sale date, adoption of the suggestion would cost the loan holder 35 days worth of interest in its claim under the guaranty; in the same situation, applying the cutoff date specified in the amendment would only cost the loan holder 5 days worth of interest.

The determination to set a cutoff date 30 days after the date a foreclosure sale would have occurred involved balancing a reduction in the number of no-bids avoided with a reduction in the amount of interest loan holders would have to forego in their claims under loan guaranty in order to avoid no-bids. If the average delay in foreclosure due to a bankruptcy were seven months, and a loan holder had ten cases which would move from conveyance to no-bid status during each of those months, application of the amendment would result in ten of the cases remaining no-bids. Adoption of the suggestion would require VA to accept conveyance in all 70 cases, but would cost that loan holder one month's accrued interest in each case as a result of the earlier cutoff date. Assuming an average monthly interest accrual of $600 per case, the holder would avoid ten no-bids at a cost of $42,000.